

**TOWN COUNCIL  
REGULAR MEETING  
MARCH 3, 1999**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:03 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were Mayor Venis, Vice-Mayor Cox and Councilmembers Bush, Paul and Weiner. Also present were Interim Town Administrator Rawls, Town Attorney Webber, and Town Clerk Reinfeld recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Venis advised the speakers of the Open Public Meeting procedures.

David Kaplan, 7791 SW 33 Street, distributed documents and commented on the cracked sidewalks and curbs left by a subcontractor doing work on University Drive. He added that the property on 33rd Street next to the park had been bulldozed but had not been maintained since that time. Mayor Venis questioned if the items previously submitted had been taken care of with Mr. Kaplan responding that 99% of the items had been.

Jean Messler [13300 SW 29 Street] discussed the Teen Challenge issue and asked Council to order Mr. Webber to respond to her request. Mr. Webber advised that he still maintained that the Town's best legal position was on the issue of licensure; however, the judge did not agree. He indicated that he thought the judge did not agree because the Town was "overrun" by residents who were opposed. Mr. Webber said that he felt Ms. Messler wanted the Town to think that the Code was clear and that her interpretation was the correct one which was not the case. He indicated that the Code was unclear and the only thing that was clear was that a license was required and there was no license. Mayor Venis asked if the Town would appeal the judge's decision. Mr. Webber responded that he would not know this until an order was received from the judge.

Ms. Messler questioned why there was no moratorium or zoning in progress to prevent this from happening in the future. Mr. Webber responded that the Code was in the process of being amended in order to address that issue. There was some discussion between Ms. Messler and Mr. Webber as to what his testimony had been at the trial.

Ellen Christopher, 3666 West Valley Green Drive, discussed an article in the Western Express written by Michael Davenport. She said that the newspaper allowed inaccurate information and bashing of Council.

Dorothy Killinghouse, 3665 West Valley Green Drive, thanked Council for the bus that provided grocery shopping transportation. She discussed the need for extended bus transportation for residents on Pine Island Road between Nova and Orange Drives. She advised that the need for the transportation was for residents to go shopping. Ms. Killinghouse added that Broward County's Mass Transit had indicated that it was too expensive to provide an additional route in the Town. Mayor Venis directed Mr. Rawls to look into this matter.

Dan Pignato, 6920 SW 56 Court, discussed a car driving into the canal and the need for a guardrail on 70th Avenue from Calder north to Stirling Road. He stated that the funds had been approved; however, the guardrail had not been provided. Mr. Pignato asked that the guardrail be installed.

Arthur Joseph, 13700 SW 18 Court, stated that there was a growing attitude against unions from the "right wing segment". He indicated that he believed that every man and woman who worked in the United States today had unions to thank for any benefit or privilege they had.

Dan Barr, 11550 SW 37 Court, indicated that six months ago, Council had agreed not to allow alcoholic beverages at the Town's parks on a trial basis. He hoped that Council would make this a permanent ban and asked that the Town advise the residents when this issue would come back up for consideration.

David London, 3720 SW 61 Avenue, stated that Nova Southeastern University had dedicated its herbal garden which was open to the public and invited all to visit. He indicated that on March 30th, the University would be dedicating its library and urged everyone to vote on March 9th. Mr. London questioned the Town's library. Mayor Venis indicated that money had been set aside for the Town's library and indicated that this library was not contingent on the March 9th ballot question.

Jay Stahl, 5801 Surrey Circle West, agreed with Ms. Christopher on the Western Express and indicated that it should be renamed to Weston Express as there very little news regarding the Town. He advised that the western

communities received Weston information in their Community News instead of information on the Town. Mr. Stahl indicated that he was in full support of unions.

Scott McCluskey, 2102 Nova Village Drive, indicated that he did not want Council evolving into personal attacks. Mr. McCluskey stated that complaints of sexual and racial harassment in the Fire Department had been brought to the Town officials over a year ago and to date, no action had been taken. He pointed out that the City of Deerfield had recently been found liable in a case that went to the Supreme Court and it had no knowledge of the harassment, adding that Davie officials had knowledge and would definitely be found negligent should it be taken to court.

Mr. McCluskey stated that the Town was taking over the EMS services and discussed the lack of fire inspections. He indicated that if the Fire Department was not capable for the evolution of the department, then Council needed to look for new management that would have the background to properly manage a 21st century fire department. Bruce Novak, 4262 SW 78 Drive, remarked that Potter Park looked good with the lights and turf and indicated that he would be umpiring at the Bamford Sports Complex.

Mr. Novack commented on the strong mayor issue and stated that he thought the Town would be best served by keeping a five member council to serve all the people.

John Pisula, 2933 SW 136 Avenue, stated that he was one of the "right wing fanatic anti-union members" mentioned by Mr. Joseph and advised that he had received the police union's support during the last election. He indicated that Mr. Joseph had forgotten to mention that Mr. Joseph had previously crossed a picket line and had had the chance to support his union but he did not.

#### **4. PRESENTATIONS**

##### **4.1 Kids Voting Broward - Councilmember Paul**

Councilmember Paul introduced Barbara Ericksen from Kids Voting Broward who thanked everyone for their support of kids voting. Ms. Ericksen stated that over the last 25 years, the number of 18 to 23 year olds voting had dropped nearly 25%, adding that it was perceived that they were going to be a generation of non-voters. She mentioned that last November, over 45,000 children had voted in Broward County and now the students would be voting on the various municipal ballots.

##### **4.2 Davie Economic Development Council (EDC)**

Lynn Delorenzo, representing EDC, introduced Michael Langley from Broward Alliance. Mr. Langley presented Council with a plaque for being a member of the Alliance and updated Council on the Alliance's activities.

##### **4.3 COPS More 98 Grant Award**

Interim Chief Robert McDaniel stated that the Police Department had been very successful in the past few years in obtaining grants from the federal government. He indicated that the grants had assisted in the provision of additional manpower and sorely needed equipment. He advised that the Town's most recent grant award had recently arrived and introduced Captain John George who had written the grant. Captain George presented a check for \$574,800 to Council which would enable the department to complete the lap top computer program and to provide 90 additional computers including the network to run through the agency for the computers in-house.

Captain George announced that the O.J. McDuffy Annual Spring Golf Tournament would be held on April 10th and added that the event was sponsored the Hemophilia Foundation of Greater Florida and the Davie Police Athletic League. A copy of the PAL illustrated magazine that portrayed the opening of the League's facility was presented to Council.

##### **4.4 Davie/Cooper City Chamber of Commerce**

Peter Thompson, representing the Chamber, updated Council on the Chamber's efforts.

##### **4.5 Upcoming Special Events - Sharon Pierce-Kent and Bonnie Stafiej**

Sharon Pierce-Kent, Community Services Director, announced that upcoming events included: youth baseball opening day (March 20th); senior pot luck luncheon and bingo (March 15th); seniors and adult Davie country

picnic (March 19th); and spring break program at Eastside Community Hall and Orange Park (March 29th - April 2nd).

#### 4.6 Reese Road Update

Mr. Rawls reported that progress had been made but it continued to be a "bumpy" road. He indicated that the State of Florida had committed to funding a proportional share of the construction program with additional funding being provided by Broward County. Mr. Rawls stated that the design of the traffic signal was underway by the County and added that the Town had completed the design of the roadway plans which had been approved by the County and the State. He indicated that the issue of the title being transferred from the State to the Town had not been resolved, commenting that there needed to be an improvement in the language in the conveyance. Mr. Rawls mentioned that item 11.1 would need to be tabled because that issue had not yet been resolved.

#### 4.7 Griffin Road Widening (Cooper City area)

Mayor Venis indicated that a meeting with various officials had been held last week and noted that the Department of Transportation (DOT) had been very sensitive to the concerns of the residents both in Cooper City and Davie. He advised that DOT had agreed to provide open forums for residents who were affected.

### 5. OCCUPATIONAL LICENSES

#### *Home Occupational Licenses*

##### 5.1 Sampson Bobcat Service, Inc., 14100 SW 36 Court

Janet Sampson, the applicant, was present. She confirmed that the request was for mail and phone use only. Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

##### 5.2 M. & M.C. Associates, Inc., 12401 SW 12 Street

Michel Ratte, the applicant, was present. He confirmed that the request was for mail and phone use only. Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that item 9.14 needed to be tabled to April 7, 1999.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Mayor Venis announced that items 10.1, 11.9 and 11.10 had been withdrawn by the applicant

Mayor Venis announced that item 11.2 needed to be tabled to March 16, 1999.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to table. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 4-1)

Mayor Venis announced that the March 17th meeting had been rescheduled to March 16th.

### 6. MAYOR/COUNCILMEMBER COMMENTS

#### **COUNCILMEMBER BUSH**

Councilmember Bush had nothing to present to Council.

#### **VICE-MAYOR COX**

**GUARDRAIL.** Vice-Mayor Cox stated that she disagreed with Mr. Piganto on the need for a guardrail on 70th Avenue and indicated that the accident that Mr. Pignato referred to involved two cars that were drag racing. She advised that if a guardrail was there, the individual in the bed of the truck could have been seriously hurt.

Vice-Mayor Cox added that the residents who lived in this area did not want the guardrail and indicated that she

would not support the issue.

**WESTFAIR EVENTS.** Vice-Mayor Cox discussed the Westfair events, the Orange Blossom parade, and the alligator race.

**GRADUATION OF NEW FIREFIGHTER/PARAMEDICS.** Vice-Mayor Cox stated that she had attended the graduation of the new firefighter/paramedics that were brought into service this week. She thanked Fire Chief Michael Donati for inviting Council.

#### **COUNCILMEMBER WEINER**

**GRADUATION OF NEW FIREFIGHTER/PARAMEDICS.** Councilmember Weiner echoed Vice-Mayor Cox comments on the new firefighter/paramedic's graduation and he was looking forward to them serving the community.

**POLICE CHIEF SCREENING COMMITTEE.** Councilmember Weiner stated that a meeting of the Police Chief Screening Committee would be held on March 9th and invited all to attend.

**ELECTION DAY.** Councilmember Weiner stated that March 9th was election day for County issues and asked everyone to vote.

**PANCAKE BREAKFAST.** Councilmember Weiner extended his appreciation to the Kiwanis Club who did a tremendous job with pancake breakfast.

**COMMUNITY NEWS.** Councilmember Weiner complimented the Community News' new format.

**SICK LEAVE.** Councilmember Weiner announced that Battalion Chief Michael Baker's wife had passed away. He stated that employees could donate sick leave; however, Councilmembers could not as they did not receive sick time. Councilmember Weiner asked that Town Clerk Reinfeld and Mr. Rawls investigate a way for Council to be able to donate.

#### **COUNCILMEMBER PAUL**

**SPECIAL GUEST.** Councilmember Paul introduced "Helmutter" who had come to remind everyone that a Safety Summit would be taking place at WestFair on March 5th.

#### **MAYOR VENIS**

**METROPOLITAN PLANNING ORGANIZATION.** Mayor Venis advised that the Town had formally obtained a seat on the Metropolitan Planning Organization and the Town's first official meeting would be March 11th.

**WATER PETITIONS.** Mayor Venis stated that water petitions were still being received and he anticipated that these petitions would be submitted to the State legislature.

**CONGRATULATIONS.** Mayor Venis congratulated his son, Harry, for graduating from the DARE Program. He indicated that the Program offered by the Town's Police Department was fantastic.

**HOMEOWNER'S MEETING.** Mayor Venis stated that he had attended the Orange Park homeowner's meeting and a number of concerns were discussed. He indicated that enforcement would have to be "beefed up" and asked that a meeting be scheduled.

**MUVICO THEATERS.** Mayor Venis stated that Council had attended the Muvico theater previous which was a state of the art movie theater. He added that next week would be the formal dedication.

**ORANGE BLOSSOM PARADE.** Mayor Venis commented that he had also attended the Orange Blossom Parade which had been the biggest parade yet.

**MORT MEYERS.** Mayor Venis asked that ways to honor Mort Meyers be discussed at the next meeting.

**POLICE.** Mayor Venis asked that an Executive Session be scheduled and before this was held, staff and union representatives needed to meet to iron out issues. He also asked that the Police Deferred Retirement Option Plan modifications be discussed at the next Council meeting.

#### **7. TOWN ADMINISTRATOR'S COMMENTS**

**UPDATE ON IMPLEMENTATION OF EMS.** Mr. Rawls indicated that the building construction was moving ahead with the latest projection being occupancy of the building by the second week of April. He stated that the ambulances had been received and were currently being outfitted with equipment and materials. Mr. Rawls

mentioned that he also had been present at the graduation of the new firefighter/paramedics and added that he had enjoyed the ceremony. He also commented that AMR had agreed to allow the Town to discontinue the contractual relationship as the Town takes over the service on a 30 day notice provision.

**JOINT POWERS AGREEMENT (JPA).** Mr. Rawls stated that the JPA had been approved by the County. He indicated that he had spoken to the administrative staff and County Chief Lorenzo and reported that they were very anxious to begin this new partnership which would begin by the middle of April. He also stated that the County was installing a fire safety signal that would be actuated by the fire station to provide access onto Nob Hill Road. He added that they had experienced some delays in receiving that equipment and the date for completion would be the end of April. Councilmember Weiner questioned if the Town could proceed in the interim with Stations 68 and 91. Mr. Rawls said that the issue was the service that would be provided to Pine Island Ridge and how the Town would provide that service without actually occupying the station. He indicated that staff was looking at what the options might be. Vice-Mayor Cox stated that she also had some concerns about going on line without the traffic signal being operational.

## **8. TOWN ATTORNEY'S COMMENTS**

**LITIGATION.** Mr. Webber provided an update on litigation in which the Town was involved: Bar B Ranch; Orendello; 142nd Avenue; City of Sunrise; and Mr. McDaniel.

## **9. CONSENT AGENDA**

### *Minutes*

9.1 January 6, 1999 - Regular Meeting (tabled from February 17, 1999)

9.2 January 20, 1999 - Regular Meeting

9.3 February 3, 1999 - Regular Meeting

### *Heart Run/Walk*

9.4 Hawkes Bluff Elementary School (March 25, 1999)

### *Resolutions*

9.5 **POLICY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ESTABLISHING A POLICY FOR NON-MATERIAL AMENDMENTS TO APPROVED SITE PLANS; AND PROVIDING AN EFFECTIVE DATE. (tabled from February 17, 1999)

9.6 **SUBDIVISION PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-73 APPROVING THE DC CENTER PLAT AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 10-6-98, DC Center, 2550 Flamingo Road) (tabled from February 17, 1999) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report*

9.7 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-74 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE GEHL GROUP FOR THE RENTAL OF THE BERGERON RODEO GROUNDS OF DAVIE, FLORIDA. (April 16, 1999; rental fee - \$1,525)

9.8 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-75 AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO A BERGERON RODEO GROUNDS LEASE AGREEMENT BETWEEN ROYAL AMERICAN CIRCUS AND THE TOWN OF DAVIE. (July 11, 1999; rental fee - \$1,000)

9.9 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-99-76 THE BIDDING AND AUTHORIZING THE PURCHASE OF GYM FLOORING FOR THE POLICE FACILITY UTILIZING LAW ENFORCEMENT TRUST FUNDS. (American Mat & Rubber

Products, Inc. - \$6,386.70)

**9.10 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-99-77 THE BIDDING AND AUTHORIZING THE PURCHASE OF FITNESS EQUIPMENT FOR THE POLICE FACILITY FROM THE LAW ENFORCEMENT TRUST FUND. (Precision Fitness Equipment - \$39,934.50)

**9.11 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING R-99-78 FORMAL BIDDING AND ACCEPTING THE BID FROM ZOLL MEDICAL CORPORATION AS A SOLE SOURCE SUPPLIER FOR ZOLL SYSTEM 12 LEAD EKG WITH INTERPRETIVE ALGORITHM. (\$19,098)

**9.12 BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING R-99-79 THE BID FOR PROTECTIVE GEAR, BROWARD COUNTY BID NO. J8FR1024. (Globe Firefighters Suits - \$61,948)

**9.13 AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-80 APPROVING THE JOINT PARTICIPATION AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DAVIE FOR RESTORATION OF LANDSCAPING ALONG DAVIE ROAD. (\$46,473.35)

**9.14 SUMMER DAZE PROGRAM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR, AND APPROPRIATE STAFF TO USE THE SILVER OAKS MOBILE HOME COMMUNITY CENTER FOR USE FOR THE TOWN'S EIGHT WEEK DAVIE SUMMER DAZE PROGRAM FROM JUNE 21, 1999 - AUGUST 13, 1999. (no cost to Davie residents)

**9.15 AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-81 APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A SUBLEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND BOYS CLUB OF BROWARD COUNTY, INC. DOING BUSINESS AS BOYS & GIRLS CLUB OF BROWARD COUNTY, FOR A SITE LOCATED AT FLAMINGO ELEMENTARY SCHOOL; AND PROVIDING AN EFFECTIVE DATE.

**9.16 EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-82 AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND FOR DONATION TO THE BROWARD COUNTY CRIME STOPPERS. (\$2,500)

**9.17 AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-83 AUTHORIZING THE MAYOR TO EXECUTE A JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DAVIE PROVIDING FOR CONSTRUCTION OF CERTAIN IMPROVEMENTS CONCERNING THE RELOCATION OF REESE ROAD; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Paul asked that item 9.6 be removed from the Consent Agenda. Councilmember Weiner asked that items 9.9 and 9.10 be removed. Gayle Easterling, Planning and Zoning Manager, asked that item 9.5 be removed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve the Consent Agenda without items 9.5, 9.6, 9.9 and 9.10. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

9.5 Ms. Easterling distributed an amended resolution which she explained. After some discussion, the item was

withdrawn with Mr. Webber recommending that it be returned in ordinance form.

9.6 Councilmember Paul questioned if the three items had been completed. Ms. Easterling advised that items 1 and 2 had been completed. She indicated item 3 required Broward County's review and would be completed prior to the plat being recorded.

Councilmember Paul was concerned that this was the best and most appropriate location for the driveway and how it would impact 26th Street as she had concerns with vehicles backing out. Ms. Easterling advised that the site plan had been reviewed by the Engineering Department and had been found adequate.

Mr. Rawls indicated that the site plan had been reviewed and it was staff's policy that all developments provide adequate vehicle stacking on site. Vice-Mayor Cox expressed her agreement with Councilmember Paul's concerns about the impact on traffic. Mayor Venis reminded Council that a study had been conducted a year ago that addressed the traffic situation and it had all checked out. Mr. Rawls indicated that if the traffic became a problem at 26th Street and Flamingo Road, the Town would apply to the State for a signal at that intersection.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

9.9 and 9.10 Councilmember Weiner questioned why law enforcement trust fund monies were being used instead of bond monies. Captain George responded that it was felt that some of the costs should be offset by the law enforcement trust money to save some of the financial costs for financing equipment, such as gym equipment, that had a limited life-span.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve items 9.9 and 9.10. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **10. PUBLIC COMMENTS**

### ***Ordinance - First Reading (Public Hearing to be held March 16, 1999)***

**10.1 CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING SECTION 12-388 OF THE TOWN CODE BY AMENDING SUBSECTION (A)(1) CONCERNING FRONT SETBACKS, SUBSECTION (C) CONCERNING COVERED BOARDWALKS, AND ADDING A NEW SUBSECTION (J) CONCERNING MINIMUM FRONT WALL HEIGHT IN THE WESTERN THEME DISTRICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from January 20, 1999)

This item was withdrawn earlier in the meeting.

## **11. PUBLIC HEARINGS**

Mayor Venis opened the public hearing portion of the meeting.

### ***Ordinance - Second and Final Reading***

**11.1 ROAD TRANSFER AGREEMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXECUTION AND IMPLEMENTATION OF A ROAD TRANSFER AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE TOWN OF DAVIE CONCERNING REESE ROAD; PROVIDING FOR CONVEYANCE BY THE DEPARTMENT OF TRANSPORTATION AND ACCEPTANCE BY THE TOWN OF DAVIE OF CERTAIN LANDS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (tabled from February 17, 1999)

Mr. Rawls advised that this item needed to be tabled to the next meeting.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to table [March 16, 1999]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## ***Resolutions***

**11.2 CABLE FRANCHISE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING, AND AUTHORIZING THE MAYOR TO EXECUTE, A FRANCHISE AGREEMENT TO PROVIDE CABLE SERVICES BETWEEN THE TOWN OF DAVIE, FLORIDA AND COMCAST CABLEVISION OF BROWARD COUNTY, INC.; AND PROVIDING AN EFFECTIVE DATE.** (tabled from February 17, 1999)

This item was tabled earlier in the meeting.

**11.3 REVISING FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, R-99-84 FLORIDA, REVISING THE FEE SCHEDULE FOR PINE ISLAND FITNESS AND POOL MEMBERSHIPS AND ESTABLISHING THE PINE ISLAND SUMMER ADVENTURE CAMP FEE FOR THE COMMUNITY SERVICES DEPARTMENT.**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Bush made a motion, seconded by Vice-Mayor Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - no. (Motion carried 4-1)

**11.4 FEE SCHEDULE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, R-99-85 ESTABLISHING AN ANNUAL FIRE SAFETY INSPECTION FEE SCHEDULE; AND PROVIDING AN EFFECTIVE DATE.**

Town Clerk Reinfeld read the resolution by title.

Mayor Venis asked if anyone wished to speak for or against the resolution. As no one spoke, the public hearing was closed.

Councilmember Weiner extended his appreciation to the Fire Department and Chief Donati. He questioned how the fees were calculated. Mr. Rawls explained that staff had conducted an on-site evaluation of fire inspection activity, than had calculated the time and the overhead associated with the activity. Mayor Venis asked if these rates were comparable to other cities in the area. Mr. Rawls replied that the fees were probably less than some of the surrounding communities. Mr. Rawls added that staff had tried to make sure that the fees reflected pure costs and no supplemental overheads.

Vice-Mayor Cox expressed that she had some reservations about this, stating that as a small business owner she knew that her insurance company conducted a yearly fire/hazard and liability inspection. She questioned what the Fire Department would be doing that would be different from what the insurance company did. Mr. Rawls responded by enumerating the many items that the Fire Department would be inspecting and indicated that the insurance companies more than likely did not go to that degree. Vice-Mayor Cox suggested that if a small business owner had insurance inspections that perhaps they not be required to have an inspection by the Fire Department. Mr. Rawls stated that staff had explored this option but inspections were mandated by the South Florida Building Code which the Town was governed by. He indicated that the South Florida Building Code required a licensed fire inspector to certify the inspection and most insurance staff were not certified. He mentioned re-evaluating the base fee for the smaller businesses. Vice-Mayor Cox said that she wanted a cost analysis that would be more accurate on the costs. Mr. Rawls indicated that the fee schedule could be reviewed in six months as opposed to a year.

Vice-Mayor Cox questioned how retrofitting for sprinklers would be handled. Mr. Rawls stated that this was governed by the South Florida Building Code rules. He added that most changes in the South Florida Building Code were not retroactive to existing buildings; however, he could not make that generalized statement with regard to fire/safety codes. Mr. Rawls went on to say that many buildings had already been retrofitted with sprinklers simply to keep their insurance active, stating further that the insurance industry had been a good partner in maintaining fire safety and building safety. He indicated that he did not think that the Fire Department would find a large number of dramatic deficiencies in buildings.

Mayor Venis asked what the \$60 represented. Mr. Rawls explained that it represented many costs including the scheduling of staff, the filing of records, a vehicle cost, and the actual performance of the inspection. Mayor Venis wanted to know what the base time was in the \$60 fee. Mr. Rawls responded that it was an hour and twenty minutes. Mayor Venis questioned whether the square footage categories should be restructured. Mr. Rawls stated

that staff had tried to choose a generalized building scale.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to adopt the fee schedule to be reviewed in the next six months and returned to Council. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

#### *Public Hearing Item*

**11.5 LAND USE PLAN AMENDMENT - LABC 99-3A**, Caesar/list of property owners on file in Town Clerk's Office, generally located in between Griffin and Stirling Roads, and University Drive and Pine Island Road, straddling SW 82 Avenue (from Residential (3 du/ac), Residential (5 du/ac) and Community Facility to Residential (10 du/ac)) (tabled from February 17, 1999) *Planning and Zoning Division has no objections due to the amendments made by the applicant at the Local Planning Agency meeting; Local Planning Agency recommended approval subject to the amended application as indicated in the applicant's letter of February 10, 1999 and subject to the amendment to reduce the number of three-bedroom garden apartments from 28 to 14, and increase the number of two-bedroom garden apartments from 224 to 238*

Neal Kalis and Leigh Kerr, representing the petitioner, were present. Councilmember Paul questioned the noticing requirements which Planner Jeff Katims explained. Mr. Katims read the planning report. He advised that the applicant had amended the application at the Local Planning Agency meeting to prohibit access to SW 82nd Avenue from 23 of its 33 western acres, to restrict residential development to 100 two bedroom town units on the east 13 acres and 280 garden apartments on the western portion.

Mr. Kalis distributed copies of a letter that had been forwarded to the Town but may not have made it into the packet. He pointed out that the applicant had amended the application to further reduce the number of units from 380 to 370, which would be a reduction in the two bedroom units from 238 to 228 units. Mr. Kalis added that this would result in a further reduction in the overall density. He stated that the applicant was proposing to install a bike/pedestrian path that would connect the west 33 acres, the east 13 acres, and the University Drive corridor, which might help to promote the businesses along University Drive by encouraging more pedestrian traffic in the area. Mr. Kalis pointed out that the improvements to 82nd Avenue were connected with the development of the east 13 acres and the restriction on the access to Pine Island Road was connected to the development of the west 33 acres not including a small five acre parcel on 82nd that would still have access to 82nd Avenue. He presented an aerial view of the property giving an explanation of the various parcels. Mr. Kalis discussed the fact that University Drive in that area had not reached its commercial potential, adding that it was the applicant's feeling that the area had languished because there had not been enough density to support the commercial development. He also pointed out that with the large educational complex on University Drive, there was a need for good housing for students in the area.

Mr. Kerr discussed the plan and reviewed some of the traffic issues.

Mr. Kalis reported that a church's property within the applicant's property was going to be exchanged for property along Pine Island Road which would allow the church to develop a church/school facility. He indicated that that was a positive that would occur as a result of the development of the property.

Mayor Venis asked if anyone wished to speak for or against the land use plan amendment.

Tom Truex, 4740 SW 72 Avenue, spoke in opposition.

Ralph Button, representing Alpha Baptist Church, spoke in favor.

Delia Alonso, 2670 South Flamingo Road, spoke in opposition.

Richard Abraham, 4801 South University Drive, spoke in favor.

Joseph Cosner, 4451 SW 77 Avenue, spoke in opposition.

Robert Goode, 4450 SW 77 Avenue, spoke in opposition.

Edna Moore, 6553 Stirling Road, spoke in favor.

Mayor Venis closed the public hearing.

Mr. Kalis discussed remarks made by Messrs. Cosner and Truex.

Mayor Venis asked Mr. Webber to comment on the issue of the entire area probably requesting a similar density.

Mr. Webber stated that this was not a quasi judicial issue and accordingly, allowed for more discretion on the part of Council. He added that if there was another property that could demonstrate similarities, it might have a certain precedential value.

Councilmember Paul stated that she was concerned that Council's action would directly impact the whole area. She

added that the impact on the school system seemed unrealistic and felt that the area would generate more school children than the study indicated. Councilmember Paul also expressed a concern regarding the applicant's claim that they would improve a portion of 82nd Avenue and the right-of-way, stating that the impact was going to be felt along the entire road not just the portion that abutted the subject property.

Councilmember Paul offered a letter from Karen Flynn who was ill and could not attend the meeting. She summarized Ms. Flynn's letter, stating that Ms. Flynn was not in favor of the proposal. Councilmember Paul also indicated that Mitch Caesar had contacted her and added that she had received Mr. Truex' newsletter.

Vice-Mayor Cox stated that Mike Klein had contacted her regarding the parcel east of 82nd Avenue and that she had also had a conversation with Ms. Flynn similar to what was in the letter Councilmember Paul had submitted for the record.

Councilmember Weiner stated that he thought all Council had received a copy of the letter from Ms. Flynn. He added that he had received an e-mail from Mr. Truex stating his opposition to the project and had received a phone call from Mr. Caesar but had not spoken to him.

Councilmember Bush stated that he had spoken to Mr. Caesar for a short time on the phone.

Mayor Venis mentioned that he had had a conversation with Mr. Caesar, had received the Davie Review from Mr. Truex and had also received the letter from Ms. Flynn.

Councilmember Bush made a motion to approve. The motion died for a lack of second.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to deny. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - no; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 4-1)

#### *Quasi Judicial Matters*

**11.6 VARIANCE** - V 12-5-98, Scarfo/Moses Family Trust, 2550 Flamingo Road (CF) (to reduce the number of required parking spaces from 75 to 42) *Planning and Zoning Division recommended approval; Planning and Zoning Board recommended approval*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Easterling advised that because of her experience, education and certification, she was qualified as a witness on behalf of the Town. She read the planning report.

An unidentified man, representing the petitioner, indicated that he had nothing to add.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the variance.

Delia Alonso, 2670 South Flamingo Road, spoke in opposition because of the parking. The petitioner responded by stating that the traffic study had been based on actual traffic and after working with staff, the road had been adjusted. He added that the Town was in the process of changing the Code because it realized that parking for day care centers at that proportion was not in keeping with what was happening in the rest of the County.

Mr. Webber stated that the hearing was concluded.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 3-2)

**11.7 SPECIAL PERMIT** - SE 8-2-98, Pellerito/Home Depot, 2300 South University Drive (B-3) (to permit an outside food vendor adjacent to the store entrance) (tabled from January 20, 1999) *Planning and Zoning Division recommended approval subject to the planning report; Planning and Zoning Board recommended approval subject to the planning report and a mandatory review in one year by the Board and Council*

Mr. Webber explained that this petition had previously been acted upon and was back before Council on a reconsideration. He indicated that the purpose of this hearing was to add new or additional information, take new or additional testimony from the public, and for the Council to then consider the issue. Town Clerk Reinfeld swore in the witnesses.

Robert Hochberg, representing the petitioner, mentioned that one of Council's concerns had been whether the adjoining shopping center had any objection. He indicated that he had contacted Richard Stotz, the general manager of the shopping center, who had no objection nor had there been any objection from any of the tenants. Mr. Hochberg provided a letter from Mr. Stotz which Mr. Webber accepted into evidence. Mr. Hochberg added that he had obtained letters from managers at each of the other stores that Mr. Pellerito had operated at attesting to the

quality of service, cleanliness of the conditions of the operation, and the conformity with the standards of Home Depot for the operation of the carts. He read the letters into the record which Mr. Webber accepted into evidence. Mr. Hochberg stated that the petitioner had consented to each of the conditions identified by staff for the conduct of the operation if approval was to be granted.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the special permit.

John Pisula, 2933 SW 136 Avenue, urged Council's support of this item.

Mr. Webber stated that the hearing was concluded.

Vice-Mayor Cox reiterated her objections, stating that she thought it set a precedent and that these carts would proliferate all over the Town. She added that it was unfair competition to the other restaurants in the area who paid taxes, bought licenses and got health inspections.

Mayor Venis mentioned that he and Mr. Rawls had met with the residents who had concerns. Mr. Rawls reported that the residents were concerned about trash along with the overall scale of activities at the Home Depot. He mentioned that that activity was not permitted in the Code and added that the Town had begun to cite the vendors at the car show. Mr. Rawls indicated that the Town wanted to encourage the car show group but the vendor activity was against the Code. Mayor Venis asked Mr. Hochberg if he had met with any of the residents in the area. Mr. Hochberg indicated that the residents had expressed a preference to meet with Mr. Rawls and a representative from Council. Mayor Venis and Mr. Rawls had a discussion about what the Code's regulations were for vendors with Mr. Rawls explaining that the Code required all businesses to operate within a structure with limited exceptions for seasonal sales.

Councilmember Weiner asked if the special permit was approved, would the precedential value be limited to outside food vendors immediately adjacent to commercial establishments. Mr. Webber responded affirmatively. Councilmember Paul mentioned that she had been contacted by a gentleman whose name she could not recall who had expressed that he did not want the cart there due to the impact on the neighborhood. She also expressed concern with setting a precedent and questioned whether a vendor who wanted to set up a booth at the car show could request a permit. Mr. Rawls replied that currently there was not a provision in the Code that would allow that activity to be licensed.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve item 11.7 subject to the recommendations of the Planning and Zoning Board on October 14, 1998. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice-Mayor Cox - no; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion failed 2-3)

**11.8 SPECIAL PERMIT** - SE 1-1-99, Digital Comm Link, Inc./Furia, 10450 State Road 84 (CC) (to increase the diameter of a satellite dish in the "CC" District from 12 feet to 59 feet, pursuant to Town Code, Section 12-34(G)(2)) *Planning and Zoning Division recommended denial; Planning and Zoning Board recommended denial*

Mr. Webber explained the rules concerning the admission of evidence. Town Clerk Reinfeld swore in the witnesses. Ms. Easterling read the planning report.

Mr. Furia, the petitioner, explained the request.

Councilmember Paul asked if the two large satellite dishes in the back of Mr. Furia's property were 42 feet in diameter. Mr. Furia indicated that one was 42 feet and the other was approximately half of that. He added that he recognized that there was a concern by the neighbors directly behind his property but indicated that the Australian Pines would be left as a buffer.

Councilmember Weiner indicated that he had spoken with Mr. Furia earlier and that he had had some problems visualizing the sizes and distances that Mr. Furia had been talking about. Mr. Furia explained the differences in sizes. Councilmember Weiner also questioned whether this would be visible to the south of his property. Mr. Furia answered that just south of his property was an array of Australian Pines which should prevent the satellite dishes from being seen by the residential area.

Mayor Venis questioned whether the Australian Pines would be removed. Mr. Furia responded that he thought Planning and Zoning had not realized that the trees were on his property. He further explained that because of the nature of his business, he liked having the trees there to reduce interference from other frequencies but also to isolate him from the community. Vice-Mayor Cox asked under what conditions might the County require the Australian Pines to be removed. Ms. Easterling responded that in 1995, there had been a site plan approval that provided for renovations of the parking lot and landscaping of the site; however, none of these improvements had been started. She indicated that the landscape code would require or encourage invasive species to be removed.

Ms. Easterling indicated that if the trees were blow down in a storm, Mr. Furia would be required to plant perimeter trees, one canopy tree every 40 feet on center at a 14 foot height.

Ms. Easterling added that Mr. Furia had not provided the Planning and Zoning Board with any information with regard to how far away the dishes could be seen without the trees. Mayor Venis suggested that the item be tabled until the next meeting so that some of these details could be worked out. Ms. Easterling stated that the burden was on Mr. Furia to provide some line of sight calculations.

Mr. Webber asked if anyone wished to provide testimony in favor of or opposition to the special permit.

Dean Alexander spoke in favor and added that if there was a wind strong enough to blow the trees down it would probably blow the towers down also.

Jay Stahl, 5801 Surrey Circle West, responded to Mr. Alexander's remarks about the wind blowing the towers down by adding that the insurance would pay to put the towers back up but not the trees. He added that in 1995, the petitioner had asked for a special permit to increase the satellite size, then had come back to increase the power size, then they came back to make the satellite disk bigger and the tower higher. Mr. Stahl suggested that if Council approved this request, the petitioner would return wanting to go higher and bigger. He stated that he would like to see the item denied.

Mr. Webber stated that the hearing was concluded.

Councilmember Weiner made a motion, seconded by Vice-Mayor Cox, to table until the next meeting [March 16, 1999]. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

Vice-Mayor Cox asked that Ms. Easterling bring a current aerial picture to the next meeting. She also asked Mr. Webber if it was appropriate for her to look at the site with Mr. Webber responding that it was okay.

*Items to be tabled or previously withdrawn*

**11.9 WITHDRAWN BY THE APPLICANT AT THE PLANNING AND ZONING MEETING**

REZONING - ZB 3-1-98, Bugbee, 4710 SW 72 Avenue (tabled from February 3, 1999)

This item was withdrawn.

**11.10 WITHDRAWN BY THE APPLICANT AT THE PLANNING AND ZONING MEETING**

VARIANCE - V 3-2-98, Bugbee, 4710 SW 72 Avenue (tabled from February 3, 1999)

This item was withdrawn.

Mayor Venis closed the public hearing portion of the meeting.

**12. RESOLUTION**

12.1A A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LABC-99-3A FOR AMENDMENT TO THE TOWN OF DAVIE FUTURE LAND USE PLAN MAP OF THE COMPREHENSIVE PLAN ON ITS MERITS; AUTHORIZING TRANSMITTAL TO THE BROWARD COUNTY PLANNING COUNCIL; REQUESTING THE COUNTY ADOPT A CORRESPONDING AMENDMENT TO THE BROWARD COUNTY LAND USE PLAN; AUTHORIZING THE BROWARD COUNTY PLANNING COUNCIL TO TRANSMIT THE AMENDMENT TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; AND PROVIDING FOR AN EFFECTIVE DATE. **(approval of item 11.5)**

**or**

12.1B A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING R-99-86 TRANSMITTAL OF APPLICATION LABC-99-3A, FOR AMENDMENT OF THE TOWN OF DAVIE FUTURE LAND USE PLAN MAP OF THE COMPREHENSIVE PLAN, TO THE BROWARD COUNTY PLANNING COUNCIL WITH APPROPRIATE RECOMMENDATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. **(denial of item 11.5)**

Town Clerk Reinfeld read the resolution for item 12.B by title.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve item 12.B. In a roll call

vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

### **13. SITE PLANS**

13.1 SP 11-6-98, New Car Dealership (Braman) Pointe West Center, 3650 Weston Road (BP) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the adjustments being made to the landscaping by the front entrance of the building; subject to review of the stairs and the ramp by the Building Division and the Engineering Department; and subject to there being no above ground utility elements in the bridle path*

Dennis Mele, representing the applicant, was present. Ms. Easterling summarized the planning report.

Mr. Mele displayed a drawing of the site plan and indicated that he had no problem with any conditions listed by the Site Plan Committee. He added that the petitioner had already modified the landscape drawings on the front side of the building, had adjusted the stairway and the turning radius on the parking garage and were in the process of reviewing that with the engineering division.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve subject to the Planning and Zoning Division's recommendations and the Site Plan Committee's recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

13.2 SP 12-1-98, United Rental/YAF Plat, generally located at the northwest corner of State Road 84 and Oaks Road (M-3, County) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report (as noted in report)*

Ron Mastriana, representing the petitioner, was present. Ms. Easterling summarized the planning report.

Mr. Mastriana stated that the petitioner agreed with all of the staff requirements and that there was nothing that could not be met or exceeded.

Councilmember Weiner clarified that any existing material that did not meet Code would be replaced and maintained by the contractor.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve subject to the Planning and Zoning Division's recommendations and the Site Plan Committee's recommendations. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

13.3 SP 2-1-99, Chevron, 8491 Orange Drive (B-3) *Planning and Zoning Division recommended approval subject to the planning report; Site Plan Committee recommended approval subject to the planning report*

Hector Venas, representing the applicant, was present. Ms. Easterling summarized the planning report.

Vice-Mayor Cox made a motion, seconded by Councilmember Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

### **14. APPOINTMENTS**

14.1 Education, Research and Training Authority (term expires September 30, 1999; must be a Town resident and have principal place of employment in Broward County) (tabled from January 20, 1999)

Councilmember Paul nominated Kathleen Morris from Flamingo Elementary School. Mayor Venis stated that he would like to be nominated to this committee as it dealt extensively with financing. There were no other nominations.

Councilmember Bush made a motion, seconded by Councilmember Weiner, to appoint Mayor Venis. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - no; Councilmember Weiner - yes. (Motion carried 4-1)

14.2 Davie Water Advisory Board (Mayor Venis - two exclusive appointments; insofar as possible, one member of the Board shall be a licensed engineer; term of January to December 1999)

Mayor Venis appointed Tom Green and Sergio Rodriguez.

Councilmember Weiner stated that Diane Enten had resigned from the Child Safety Board and appointed Mary Haas.

## **15. OLD BUSINESS**

15.1 Placement of items on Council agenda (Councilmember Paul)

Councilmember Paul asked that this item be deferred to March 16, 1999.

## **16. NEW BUSINESS**

16.1 Resolution to afford municipalities the option of scheduling and conducting general elections on dates contemporaneous with County, State and Federal elections (Councilmember Weiner)

Councilmember Weiner explained that this resolution urged the County and State to amend their respective laws to allow municipalities in the County to conduct their elections on the same dates as County, State and Federal elections. He indicated that if this resolution was approved, the Town Administrator would need to seek support from other municipalities to change the dates.

Vice-Mayor Cox questioned why the Town Administrator would need to seek support and suggested that the Florida League of Cities seek support. She indicated that Mr. Rawls had enough matters to handle and seeking support was an issue that had to do with elected officials. Vice-Mayor Cox stated that she did not have a problem with Mr. Rawls sending a letter but she did not think he needed to be out lobbying. Councilmember Weiner indicated that this section could be removed and he would personally send letters to the municipalities.

Councilmember Paul indicated that she would like to review the "drop off" in terms of the number of people who voted in November in the governor's race compared to the number in each of the Town's precinct on a referendum issue. She advised that some individuals felt that if the ballot was crowded with other issues, the municipalities who were lucky to get on the ballot suffered from what was called "drop offs." Councilmember Paul stated that she had spoken to Supervisor of Elections Jane Carroll and Ms. Carroll had been influential in separating the municipal elections from the November elections. She advised that she would like to see more individuals vote but if there was a situation of a "drop off," it was possible that the percentage voting on the local issues would still be low.

Mayor Venis indicated that the resolution would be placed on the next agenda.

Mayor Venis commented that the League of Cities had previously proposed the surcharge reduction in Tallahassee and were now lobbying against it. He suggested that the Town prepare a resolution to present to the League telling them stay out of the issue. Vice-Mayor Cox indicated that the League should not be taking sides. Mayor Venis asked that this issue be placed on the next agenda.

16.2 Letter of agreement between the Town of Davie and American Medical Response (reducing the contract closure requirement from 60 days to 30 days notice)

Mr. Rawls explained that as the Town progressed with an early implementation of the EMS service, one aspect that was limiting to the Town was a 60 day notification requirement. He indicated that AMR was supportive of the Town's take over of the service and had agreed to reduce the timeframe to 30 days. Mr. Rawls indicated that the letter was seeking Council's support of executing the amendment.

Councilmember Weiner made a motion, seconded by Councilmember Bush, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Cox - yes; Councilmember Bush - yes; Councilmember Paul - yes; Councilmember Weiner - yes. (Motion carried 5-0)

## **17. ADJOURNMENT**

There being no objections or further business, the meeting was adjourned at 12:13 a.m.



